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**MAILED**

FEB 27 2009

**OFFICE OF PETITIONS**

In re Application of  
Takayoshi **SASAKI, et al.**  
Application No. 09/516,176  
Filed: March 1, 2000  
Attorney Docket No. **PM 266297**

DECISION DISMISSING PETITION  
UNDER 37 CFR 1.313(a)

This is a decision on the petition under 37 CFR 1.313(a), filed June 25, 2008, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on April 13, 2007, with the issue fee being due on or before July 13, 2007. The petitioner states that the issue fee in this case was paid on July 9, 2007. The file record discloses that the issue paid on July 9, 2007 was refunded to petitioner on December 12, 2007.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. Note MPEP §§ 706.07(h)(IX) and 1308.

Telephone inquiries concerning the examination or status of this application may be directed to Technology Center 1700 at 571-272-1700.

Inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253.

The matter is being referred to Technology Center AU 1773 for appropriate processing of the RCE filed June 25, 2008, and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions